

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN COUNCIL OF THE BLIND OF NEW YORK,
INC., MICHAEL GOLFO, and CHRISTINA CURRY, on
behalf of themselves and all others similarly situated,

Plaintiffs,

-v-

THE CITY OF NEW YORK, THE NEW YORK CITY
DEPARTMENT OF TRANSPORTATION, BILL DE
BLASIO, in his official capacity as Mayor of the City of
New York, and POLLY TROTTEBERG, in her official
capacity as Commissioner of the New York City Department
of Transportation,

Defendants.

18 Civ. 5792 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

The Court has carefully reviewed the parties' competing proposals as to a remedial plan. *See* Dkts. 141, 143, 153, 155. The proposals, which the Court found thoughtful, raise important issues. These include (1) the timeline for the implementation of the remedial plan and the number of intersections to be covered; (2) the appropriate criteria for prioritizing the intersections to be made accessible under the plan, and the manner in which existing poles will be modified to made accessible to the visually impaired; (3) the means by which individual requests for installation, during the plan's implementation, can be assessed and, where warranted, accommodated; and (4) the process for overseeing the plan's rigorous timely implementation, including whether a third party is properly appointed to monitor this process on behalf of the Court.

The Court's judgment is that its ability to reliably resolve these and related questions will be enhanced by a prompt hearing exploring them. The Court envisions a hearing that consists both of testimony and argument from counsel. As to testimony, the Court envisions testimony (direct and cross examination) by the parties' respective affiants, Janet M. Barlow and Joshua Benson. The Court is open to, but does not require, other testimony that counsel believe would help illuminate the issues presented at the remedial stage. The Court invites the participation in the hearing of the United States, which has submitted a statement of interest.

The Court's intention is to hold such a hearing, which it expects could likely be completed within two days, by mid-October. The Court would welcome counsels' guidance as to the means of organizing and sequencing the presentation at the hearing that would most effectively educate the Court as to these matters. The Court accordingly directs counsel promptly to confer, with an eye towards jointly proposing a suitable hearing design. Counsels' joint letter as this point is due by Friday, August 13, 2021. The Court also directs counsel, in consultation with witnesses, to notify the Court, in the same letter, as to any dates in September and the first half of October when counsel are unavailable for such a hearing.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: August 3, 2021
New York, New York